

Ted Rauh  
December 30, 2009  
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**PROGRAM MANAGER ACTION REQUEST**

**To:** Ted Rauh, Program Manager  
Waste Compliance and Mitigation Program

**From:** Rubia Packard  
Rubia Packard  
Division Chief  
Cleanup, Closure and Financial Assurances Division

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**Reviewed By:** Steve Levine, Legal Office  
Marie Carter, Legal Office  
Michelle Martin, Grant and Loan Resources Branch  
Cara Rothenbaum, Budgets Office

**Prepared On:** December 30, 2009

**Subject:** **REQUEST FOR APPROVAL OF GRANT AWARDS FOR THE  
FARM AND RANCH SOLID WASTE CLEANUP AND  
ABATEMENT GRANT PROGRAM (FARM AND RANCH  
CLEANUP ACCOUNT, FY 2009/10)**

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**TIME FACTOR:** Approval required no later than January 31, 2010.

**SUMMARY:** This memo requests Program Manager approval of four Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) grants in the amount of \$357,541 for the second cycle of FY 2009/10.

**OPTIONS:** The Program Manager may decide to:

1. Approve the proposed grant awards and direct staff to enter into grant agreements with the awarded applicants; or
2. Disapprove the proposed awards and direct staff as to further action.

**RECOMMENDATION:** Staff recommends Option 1.

**DISCUSSION:** Senate Bill 1330 (Lockyer, Statutes of 1997, Chapter 875) established a

grant program under which cities and counties may seek financial assistance for cleanup of illegal solid waste disposal sites on farm or ranch property. Public or private property owners that desire grant funding must coordinate with a local government agency as the applicant.

Properties eligible for grants include those involving a broad range of agricultural activities (e.g., farms, ranches, horticulture activities, and silviculture activities) where the property owner is not responsible for the illegal disposal or dumping based on a determination by the city or county. The Program's funding is primarily used to pay for the removal and proper disposal of small nuisance illegal dump sites containing non-hazardous solid waste, including but not limited to, tires and incidental amounts of household hazardous materials, and for site security measures to prevent recurrence of illegal disposal after the projects are completed.

Grant applications for the second cycle of fiscal year 2009/10 were due to the Board November 1, 2009. Five grant applications were received. One application was denied as the site proposed for cleanup was not farm or ranch property and the tires on the site, placed by a prior owner, were not illegally disposed. The remaining four applications, totaling 16 sites, were reviewed and scored using the approved scoring criteria and evaluation process and each received a passing score.

A signed affidavit was submitted by each of the property owners, or authorized agent for the property owner, for the 16 eligible sites. The affidavits state that neither the property owner, nor any other person allowed on the property, directed, authorized, permitted or otherwise consented to the disposal of solid waste onto their property. Furthermore, each application includes a statement by the local government applicant that supports the property owner's affidavit. A brief summary of the proposed grants is as follows:

**Sutter County Resource Conservation District**

Grant Funds Recommended for Approval: \$75,617

Number of Sites: 5

Five private orchards in rural Sutter County have been dumped on for many years. The waste is a nuisance, a threat to public health and safety and makes tending to the orchards problematic. After the waste is removed, gates and fencing will be installed and signs will be posted on all the sites to help prevent future dumping.

**Yuba County Resource Conservation District**

Grant Funds Recommended for Approval: \$133,910

Number of Sites: 8

Illegal dumping has been an ongoing problem for eight private landowners in Yuba County. While the landowners have been paying for their own cleanups for many years, they are no longer financially able to afford doing so and are now seeking grant assistance from the Board. Each parcel has an orchard that is in active production. Gates, and/or fencing will be installed at each site and signs will be posted to help deter future dumping.



**Resource Conservation District of Monterey County**

Grant Funds Recommended for Approval: \$50,000

Number of Sites: 1

A 400-acre parcel used to grow artichokes has had continual illegal dumping over the past several decades, including the dumping of cars and household waste and furniture. The trash greatly impedes access for agricultural equipment and creates a safety hazard for farm employees. While the land was purchased with some waste present, the landowner attests that he did not pay a reduced price for the property due to the presence of the waste, nor did he purchase the property "as is." The landowner estimates that fifty percent of the waste was left by the previous owner and the rest was illegally dumped by unknown persons. The majority of the waste has been removed by the landowner and he is requesting reimbursement of his expenses for the portion deposited by unknown persons. In addition, the grant funds will be used to clean up the remaining waste and to install protective fencing and no dumping signs.

**Los Angeles County**

Grant Funds Recommended for Approval: \$98,014

Number of Sites: 2

Two private agriculturally zoned parcels in the rural Antelope Valley are strewn with over 1,000 cubic yards of illegally dumped trash. While both sites are currently unused farmland, adjacent parcels are in active farm production. The waste poses a health and safety threat to nearby water wells and surface waters and is an attractive nuisance. The county plans to use \$5,000 (about five percent of the total amount requested) to develop an illegal dumping brochure, create and produce public service announcements and develop a television commercial and do several radio spots. The county will post no dumping signs and monitor the sites frequently post cleanup and the sheriff's department will also patrol.

ESTIMATED COST: There is currently \$665,038 remaining in the fund. If the proposed grants are approved, \$307,497 will remain in the fund for the last cycle of the fiscal year.

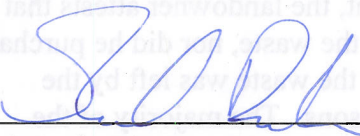
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APPROVED: On the basis of the information and analysis in this Request for Action and the findings set out above, I hereby approve grants totaling three hundred, fifty-seven thousand, five hundred forty-one dollars (\$357,541) and direct staff to develop and execute the Grant Agreements with the following:

Sutter County Resource Conservation District.....	\$75,617
Yuba County Resource Conservation District.....	\$133,910
Resource Conservation District of Monterey County.....	\$50,000
<u>Los Angeles County</u> .....	<u>\$98,014</u>
Total .....	\$357,541

The award of each grant is conditioned upon full payment within ninety (90) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed Grantee to the Department of Resources Recovery and Recycling (CalRecycle).

The award of each grant is further conditioned upon the return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days from the date of the mailing of the agreement package by the Program.

  
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Ted Rauh, Program Manager  
Waste Compliance and Mitigation Program

1/12/2010  
Date